IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 6809 of 2007(I)

PETITIONER:

VIJAYALAKSHMI.P., D/O.IMBICHI, AGED 53 YEARS,
KARTHIKA, P.O.PARAMBIL BAZAR,
VIA.MARIKUNNU, KOZHIKODE DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY, GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

3. THE JOINT COMMISSIONER OF GOVERNMENT EXAMINATIONS, THIRUVANANTHAPURAM.

4. SECRETARY TO GOVERNMENT, TAXES DEPARTMENT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER MR.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

W.P.(C) No.6809 of 2007

Dated, this the 28th day of February, 2007

JUDGMENT

The petitioner is working as Sales Tax Officer in the Commercial Tax Department of the Government of Kerala. An application filed by her for correction of date of birth in the SSLC book is pending consideration. This Court has already directed the Government to pass orders on the application filed by the petitioner for correction of date of birth in the SSLC book. That direction was issued on 2.2.2007. The period fixed for the Government to take decision on the application was two weeks from the date of production of a copy of that judgment. As matters stand now, there is no order to correct the alleged wrong entry relating to date of birth in the SSLC book. Assuming that the entry in the SSLC book will be corrected, that by itself will not enable the petitioner to continue in service beyond the age of 55 years reckoned with reference to the date of entry made in the service book. The petitioner will have to file one more

application before the Government to get the entry in the service book corrected. According to the orders passed by the Government governing correction of date of birth in the service book, those who are in service as on 31.1.1991 which is the date of the Government order on the subject, shall exercise that freedom within one year from that date. That means, the date for filing the application was already over in 1992 itself. The petitioner, therefore, cannot be able to successfully prosecute her case for correction of date of birth in the service book even if she succeeds in getting the date of birth corrected in the SSLC book. The petitioner retires from service in the afternoon of today. The prayer made in this writ petition is to permit the petitioner to continue in service based on the date of birth suggested by her. Though it is contended that the petitioner is prepared to serve the department without receiving any emoluments until decision is taken, I do not think that the respondents have got any obligation to allow a member of the service to continue in service beyond the date of superannuation reckoned on the basis of the date of birth entered in the service book. I find that there is no

scope for granting any of the reliefs prayed for by the petitioner in this writ petition. Therefore, it is dismissed.

K.K.DENESAN,
JUDGE

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